

Notice of Allowability

Application No.

10/759,015

Examiner

William H. Rodriguez

Applicant(s)

GERMAIN ET AL.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 8/29/05 and the drawings filed on 9/29/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This office action is in response to the amendment and remarks filed 08/29/05.

Drawings

1. The drawings were received on 9/29/05. These drawings are approved.

Allowable Subject Matter

2. Claims 1-20 are allowed.

With respect to claim 1, applicant arguments presented *on page 7 the second paragraph and page 8 the first paragraph* of applicant's response are found persuasive because the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "...*each flap being inclined toward the first outer surface such that a zone of local low pressure is induced in the exhaust gas flow downstream of each flap...., the tailcone being partially inserted into the forward portion, and at least part of the at least one flap overlaps an upstream portion of the open end, ...at least one opening defined between the forward portion and the tailcone, the opening being located immediately adjacent to said flap and upstream of one of the zones of local low pressure...*" in combination with the other claims limitations.

With respect to claim 12, applicant arguments presented *on page 8 the third paragraph* of applicant's response are found persuasive because the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "*inducing a local low pressure in the exhaust flow downstream of the at least one opening,*

Art Unit: 3746

without significantly impeding the flow, by using a flap formed in the centerbody immediately adjacent each of the at least one opening” in combination with the other claims limitations.

With respect to claim 15, applicant arguments presented *on page 8 the fourth paragraph* of applicant’s response are found persuasive because the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show *“depression means for inducing a local pressure zone in an exhaust flow flowing along the centerbody, at least one opening in a wall of the centerbody, the opening providing fluid communication between the cavity and the exhaust flow, the at least one opening being located immediately adjacent said depression means and upstream of the local low pressure zone”* in combination with the other claims limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

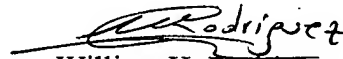
Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William H. Rodriguez
Primary Examiner
Art Unit 3746

11/17/05